

## **SECTION 35            RESIDENTIAL CLUSTER DEVELOPMENT (RCD)**

35.1 Applicability: These requirements shall apply to the subdivision of all property that is zoned RC-SF-1, RC-SF-2.5, RC-SF-5, RC-SF-10, RC-SF-20, RC-SF-40 and RC-SF-100.

35.2 Intent: The intent of this district is to:

- a. Establish a procedure for development which will result in improved living, working, and recreational environments.
- b. Promote an efficient and cost effective pattern of development by placing the development on one or more portions of a parcel to permanently protect other portions of the site.
- c. Encourage ingenuity and originality in total area and individual site design.
- d. Conserve, as permanent open space, important natural features, wildlife habitat, water resources, and scenic areas for the benefit of present and future residents.
- e. Provide buffers between adjoining properties and provide better protection of natural and scenic resources than would otherwise be provided by a conventional development plan.
- f. Create and preserve usable open space to serve recreational, scenic and public service needs.
- g. Preserve important site vegetation, outstanding natural topography and geologic features, while preventing soil erosion.
- h. Enhance the visual impact of development and the environment.
- i. Provide a density bonus as an incentive for increased open space.
- j. Permit flexibility of design for the placement of buildings, circulation and off-street parking areas in order to promote the most appropriate and efficient use of land.

*(Amended: County Commission Resolution No. 1998-25)*

35.3 General: To meet the intent of the Residential Cluster Development District:

- a. Variations in lot areas are permitted.

- b. Procedures are established to assure adequate maintenance and restricted use of open spaces for the benefit of the residents of the properties and for dedication to public use.
- c. Procedures are established to protect existing and potential development adjoining proposed cluster developments.

35.4 Maximum Allowable Units: To calculate the allowable units, divide the number of acres in the parcel by the zoning designation (i.e., RC-SF-2.5, RC-SF-5, etc.) as shown on the officially adopted Zoning Map, plus any bonus units as approved by the Planning and Zoning Commission in accordance with Section 35.12.

If the number of allowable units results in a fractional number, the fractional number shall be rounded-off to the nearest whole number to determine the allowable units for the parcel. Any density bonus percentages shall be applied to the whole number determinations of allowable units of the parcel. If the density bonus units result in a fractional number, that number shall be rounded-off to the nearest whole number to determine the total bonus units allowed within the parcel.

For the purpose of rounding-off, .50 and above shall be rounded up to the next highest number, and .49 and below shall be rounded down to the next lowest number.

35.5 Minimum Lot Size: As approved through the cluster review process.

35.6 Permitted Uses: As set forth in the underlying zoning category.

35.7 Conditional Uses: As set forth in the underlying zoning category.

35.8 Required Setbacks: As required in the underlying zoning category.

35.9 Minimum Lot Width: As approved through the cluster review process.

35.10 Mandatory Standards for Clustered Developments:

- a. The development shall contain at least 40 percent open space. The open space shall be designed to be usable for its intended purpose and permanently protected and shall meet the requirements for open space set forth in Section 35.11.
- b. Residences shall be serviced by an interior road network; dwellings shall not front on or gain access from arterial roads.

- c. Individual lots, buildings, streets and parking areas shall be designed to minimize alteration of the natural site features.
- d. Open space areas shall include wildlife habitat and irreplaceable natural features such as, but not limited to, stream beds, significant stands of trees, rock outcroppings and significant views.
- e. Open space intended for a recreation or public use shall be accessible to pedestrians.
- f. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings and to minimize road area.

#### 35.11 Mandatory Standards for Open Space.

- a. Compliance with Plan: The Wildlife Habitat and Trail Maps adopted as a part of the GC/BS Plan shall be used to determine the appropriate location of open space and trails.
- b. Open Space Uses: Open space shall be preserved and maintained for one or more of the following uses which shall be noted on the final plat: passive and active recreation, wildlife habitat and protection of scenic, unique or important natural features.
- c. Preservation in Perpetuity: All open space land shall be preserved in perpetuity by either of the following methods:
  - 1. Open space parcel.
  - 2. Dedication as a park according to the requirements of the Gallatin County Subdivision Regulations.
  - 3. A perpetual conservation easement restricting development of the open land and allowing only open space uses as provided above. The conservation easement shall meet all requirements set forth in 76-6-201, MCA, et.seq. The conservation easement shall be granted to an organization acceptable to the Zoning Commission.
- d. Open Space Qualification. Open space areas shall not include rights-of-way, parking areas, setbacks, yards and land within individually owned lots.
- e. Ownership of Open Space Land: Open space land may be owned in common by an owner's association (OA), dedicated to the County or State, transferred to a non-profit organization acceptable

to the Zoning Commission, held in private ownership or held in such other form of ownership as the Planning and Zoning Commission finds adequate to fulfill the intent set forth in Section 35.1. The appropriate form of ownership shall be based upon the purpose of the open space reservation.

- f. Standards for Owners Associations: If the open space land is owned in common by an OA, such OA shall be established in accordance with the following:
1. Membership shall be mandatory for each owner, who must be required by recorded covenants and restrictions to pay fees to the OA for taxes, insurance, and maintenance of common open space, private roads and other common facilities.
  2. The OA must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities and private roads.
  3. The assessment levied by the OA must be able to become a lien on the property.
  4. The OA shall be responsible to adjust the assessment to meet changed needs.
  5. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the OA and the dwelling units they each own.
  6. The attorney for the County shall find that the OA documents presented satisfy standards (1) through (5) above and such other conditions as the Planning and Zoning Commission shall deem necessary.

35.12 Bonus Units: Bonus units may be awarded if the applicant exceeds the required minimum open space, as set forth in Table One. For an explanation of the calculation of units, see Section 35.4.

TABLE ONE: OPEN SPACE BONUS UNITS

Amount of Open Space	Bonus Units
50%	10%
60%	15%
70%	20%
80%	25%

35.13 Review Process for Cluster Development: If the applicant does not request the use of any bonus units, the review of cluster developments shall be administered by the Gallatin County Planning Staff. Upon

submittal of a complete application for a cluster development, the Planning Staff shall review the application for compliance with the requirements of this section and other applicable sections of this regulation. Reviews shall be completed within 45 days of receipt of a complete submittal. Appeals of staff decisions shall be considered in accordance with the provisions set forth in Section 41.

If the applicant requests the use of bonus units, the application shall be reviewed as a conditional use according to the procedures set forth in Section 41.

**35.14 Submittal Requirements:** All cluster development applications shall include the following:

- a. Completed and signed application form.
- b. All applicable fees.
- c. A traffic study, if the proposed development will generate 500 or more vehicular trips per day.
- d. A site plan showing:
  1. Property lines and easements, with dimensions and area.
  2. Topographic information.
  3. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains.
  4. Existing land uses.
  5. Location and dimensions of existing and proposed structures, utilities, trails and improvements.
  6. Land use designations.
  7. General circulation system, including streets and multi-use pathways.
  8. Number and types of dwelling units.
  9. Number of off-street parking places.
  10. General landscape plan.
  11. Amount and location of open space.
  12. Amount, location, purpose and use of common space.
  13. Proposed treatment of perimeter boundary of the development.
- e. Proposed covenants and homeowner's association, documents which provide for the maintenance of common areas, appropriately limit the use of open space, assign the right to use common property to each lot owner and provide for association assessments.

This page left blank intentionally.